



AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

1. (currently amended) An information processing apparatus comprising:

a first memory device for storing a first program, the first program including a command to execute other programs and being executed when the information processing apparatus starts;

a second memory device for storing a second program to perform a predetermined processing in accordance with the command in the first program;

a third memory device for storing a backup program for the second program;

a fourth memory device for storing a first state information to substantially indicate that the second program does not properly perform the predetermined processing; and

a first selection device for selecting either one of the second program and the backup program, as a program to be executed in accordance with the command in the first program, on the basis of the first state information.

2. (original) The information processing apparatus according to claim 1, wherein said first selection device is embodied with a command in the first program.

3. (original) The information processing apparatus according to claim 1, further comprising:

a first state information set device for setting or changing the first state information to a first content, when the first program executes or executed the second program or the backup program; and

a second state information set device for setting or changing the first state information to a second content, when the second program or the backup program ends or ended properly.

4. (original) The information processing apparatus according to claim 3, wherein said first state information set device is embodied with a command in the first program.

5. (original) The information processing apparatus according to claim 3, wherein said second state information set device is embodied with a command in the second program or in the backup program.

6. (original) The information processing apparatus according to claim 1, further comprising:

a fifth memory device for storing a default program of the second program;

a sixth memory device for storing a second state information to substantially indicate that the backup program does not properly perform its predetermined processing; and

a second selection device for selecting either one of the backup program and the default program, as a program to be executed in accordance with the command in the first program, on the basis of the second state information.

7. (original) The information processing apparatus according to claim 6, wherein said second selection device is embodied with a command in the first program.

8. (original) The information processing apparatus according to claim 1, further comprising:

an update device for updating the second program; and

a backup device for storing the second program, as the backup program, that is not still updated with said update device, into said third memory device.

9. (original) The information processing apparatus according to claim 8, wherein said update device receives a new second program that is supplied via a communication network, and replaces the existing second program with the new second program.

10. (original) The information processing apparatus according to claim 1, wherein the first state information substantially indicates the number of times that the second program does not properly perform its predetermined processing, and

said first selection device compares the number of times that is indicated by the first state information with a reference numeral, and selects either one of the second program and the backup program, as a program to be executed in accordance with the command in the first program, on the basis of a result of the comparison.

11. (original) The information processing apparatus according to claim 1, further comprising a first notice device for generating a notice information to substantially indicate that the backup program is selected.

12. (original) The information processing apparatus according to claim 6, further comprising a second notice device for generating a notice information to substantially indicate that the default program is selected.

13. (original) The information processing apparatus according to claim 1, wherein the first state information is a flag.

14. (original) The information processing apparatus according to claim 1, wherein the first program includes a boot loader program.

15. (original) The information processing apparatus according to claim 1, wherein the second program includes an operating system program.

16. (currently amended) A computer program product in a computer-readable medium for tangibly embodying a program of instructions executable by a computer to make the computer function as an information processing apparatus, said apparatus comprising:

a first memory device for storing a first program, the first program including a command to execute other programs and being executed when the information processing apparatus starts;

a second memory device for storing a second program to perform a predetermined processing in accordance with the command in the first program;

a third memory device for storing a backup program for the second program;

a fourth memory device for storing a first state information to substantially indicate that the second program does not properly perform the predetermined processing; and

a first selection device for selecting either one of the second program and the backup program, as a program to be executed in accordance with the command in the first program, on the basis of the first state information.

17. (currently amended) An information processing method feasible with an information processing apparatus capable of processing a first program, the first program including a command to execute other programs and being executed when the information processing apparatus starts; a second program to perform a predetermined processing in accordance with the command in the first program; a backup program for the second program; and a first state information to substantially indicate that the second program does not properly perform its predetermined processing,

said method comprising:

a first state information set process of setting or changing the first state information to a first content, when the first program executes or executed the second program or the backup program;

a second state information set process of setting or changing the first state information to a second content, when the second program or the backup program ends or ended properly;
and

a selection process of selecting either one of the second program and the backup program, on the basis of the first state information, when the first program executes again the second program or the backup program.

18. (new) The information processing apparatus according to claim 1, wherein said fourth memory device holds the content of the first state information through a restarting process of the information processing apparatus.